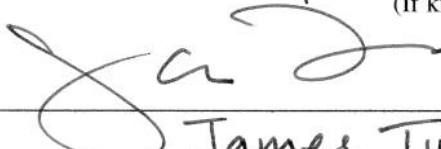


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Public Disclosure
Commission

**Formal Complaint to the Washington State Public Disclosure Commission
Relating to an Elected Official or Candidate for Public Office**

Name of Official or Candidate: Gerald Pollet
Address of Official or Candidate: 7750 17th Ave NE
Official's or Candidate's Seattle WA 98115
City State Zip Code
Official's or Candidate's Telephone: (206) 528-0078
(Include Area Code)
Official's or Candidate's E-Mail Address: Gerry-pollet@msn.com
(If known)
Your signature: 
Your printed name: James Tupper
Street address: 5736 NE 56th Street
City, state and zip code: Seattle WA 98105
Telephone number: (206) 528-2952
E-Mail Address: (Optional) jtup@comcast.net
Date Signed: 7/29/2008
Place Signed (City and County): Seattle King
City County

Complaint: (Attach Complaint and Certification)

James Tupper
5736 NE 56th Street
Seattle, WA 98105

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Public Disclosure
Commission

July 29, 2008

VIA FACSIMILE (360) 753-1112

Public Disclosure Commission
State of Washington
711 Capitol Way #206
Olympia, WA 98504-0908

Re: Public Disclosure Complaint:
Gerald Pollet and Heart of America

Dear Commission:

Please accept this letter as a complaint against Gerald Pollet, a candidate for state representative in the 46th Legislative District, and Heart of America, a 501(c)(4) organization for which Mr. Pollet is the executive director.

On July 28, 2008, I received the enclosed mailing from Heart of America that included a separate piece endorsing Gerry Pollet. I am not a member of Heart of America, I have never contributed any funds to Heart of America and have never at any time in the past been solicited to join, contribute or otherwise support Heart of America.

Because I have no relationship with Heart of America, the enclosed mailing is squarely within the definition of a contribution under RCW 42.17.020. As such, Mr. Pollet as a candidate and executive organization is obligated to make a special report to the commission of this expenditure under RCW 42.17.095 or RCW 42.17.103(1). Inasmuch as the mailing obviously cost more than \$1000 dollars, the expenditure should have been reported to the commission within 24 hours. It does not appear that there has been any report of this expenditure on the commission's web site.

Because I have no relationship with Heart of America, the expenditure for the mailing clearly exceeds the limit on contributions by any organization to a campaign. Heart of America has already contributed \$1600 in cash to the Pollet campaign. The expenditure of funds for the mailing accordingly constitutes an unlawful campaign contribution pursuant to RCW 42.17.640.

Only July 29, 2008, I received a solicitation call from Heart of America urging me to support Gerald Pollet. My telephone identified the call as originating from Heart of America at (206) 382-1014. The caller further identified himself as Kevin Carlson. Mr. Carlson represented to me that my name had been obtained by grass roots organizing

July 29, 2008

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Commission

efforts by Heart of America in 2003. This statement is patently false. I have never been solicited or contacted in any manner by Heart of America at any time. It is quite clear that my name, address and telephone number was obtained from voting records or membership records of the 46th Democrats.

The use of telephones and facilities constitutes an in-kind contribution that must be reported to the commission under RCW 42.17.020 or RCW 42.17.103(1). The Pollet campaign should be required to reimburse Heart of America for the full value of the mailing and the use of its facilities to support Mr. Pollet's candidacy.

I appreciate the commission consideration of this complaint and ask the commission order Mr. Pollet and Heart of America to immediate cease all illegal campaign activities, that they immediately report in-kind contributions and that the Pollet campaign be required to immediately refund the full value of the in-kind contributions.

Sincerely,



James Tupper

Enclosures

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Public Disclosure
Commission

July 29, 2008

To the Public Disclosure Commission
711 Capitol Way #206
PO Box 40908
Olympia, WA 98504-0908

To the Internal Revenue Service
915 Second Ave.
Seattle, WA 98174

To Whom It May Concern,

I am writing to request an immediate investigation into violation of campaign finance and disclosure laws as well as tax status by the non-profit organization Heart of America Northwest and its Executive Director Gerald Pollet, also a candidate for the Washington state legislature.

I received in the mail correspondence paid for by Heart of America Northwest (see enclosed documents) directly advocating the candidacy of Mr. Pollet.

I believe this mailing violates both Public Disclosure and tax laws for the following reasons:

1. Sending the mail is an in-kind contribution that must be disclosed with the PDC. Printing, postage costs and use of the organizational list are all monetary contributions to Mr. Pollet's campaign yet are not disclosed as direct or in-kind contributions to his campaign;
2. According to the PDC website, Heart of America Northwest is not listed as a political committee in the State of Washington, yet they are clearly engaging in political activity, including direct contributions and endorsements, as noted in this mailing;
3. In an obvious PDC violation, the Pollet enclosure in the mailing does not have the necessary legal disclaimer.
4. The contribution of a mass mailing on behalf of Pollet's campaign violates the \$1600 maximum limit and is therefore a violation of contribution limits;
5. Finally, the mailing violates IRS rules insofar as the mailing was sent to individuals NOT AFFILIATED with Heart of America Northwest. I am not a member of that organization and have never contributed money, or other

July 29, 2008

Public Disclosure Commission and Internal Revenue Service – Page 2

resources to Heart of America Northwest. I am, however, a member of the 46th District Democrats, a political organization. Mr. Pollet has used the 46th District Democrats organizational list many times for his campaign and I can only assume that he is now using it for this Heart of America mailing on his behalf. *Regardless of the list he is using, IRS rules are clear that a 501c4 organization is not allowed to publicize their support of a candidate beyond their own membership.*

As a voter, taxpayer and citizen I find the abuse and flagrant disregard for our campaign finance laws and nonprofit tax rules offensive and wholly inappropriate. The public trust is at stake and elections can be unfairly influenced as a result of abuses such as these.

I believe that Heart of America Northwest Executive Director Gerald Pollet acted with full knowledge that these actions were an abuse of his position as director of a non-profit organization and willfully used the resources of his organization to advance his campaign for political office.

I request a prompt response and urge an investigation into the obvious tax and public disclosure violations of both Mr. Pollet and Heart of America Northwest in a timely manner.

Thank you for your attention to this matter.

Sincerely,



Shelly Cohen
12546 33rd Ave NE #101
Seattle, WA 98125

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